

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

STATE OF NEVADA, *et al.*,

Plaintiffs,

v.

UNITED STATES DEPARTMENT OF LABOR,
et al.,

Defendants.

No. 4:16-CV-731-ALM

PLANO CHAMBER OF COMMERCE, *et al.*,

Plaintiffs,

v.

THOMAS E. PEREZ, in his official capacity as
Secretary of Labor, *et al.*,

Defendants.

No. 4:16-CV-732-ALM

**DEFENDANTS' UNOPPOSED MOTION FOR LEAVE TO FILE RESPONSE
IN OPPOSITION TO PRELIMINARY INJUNCTION MOTION
THAT EXCEEDS PAGE LIMITS**

Defendants respectfully ask this Court for an order permitting them to file a response in opposition to Plaintiffs' motion for a preliminary injunction in excess of fifteen pages. *See* L.R. CV-7(a)(2). This motion for leave is not opposed. Defendants' response in opposition to the motion for preliminary injunction will not exceed fifty pages, and good cause supports allowing Defendants to file an over-length brief.

This Court previously recognized that "Plaintiffs are a collection of twenty-one states that have raised multiple, complex issues under the Fair Labor Standards Act, the Administrative

Procedure Act, the Tenth Amendment of the Federal Constitution, and the structure of our federal system of government.” Accordingly, the Court allowed Plaintiffs to file a motion for preliminary injunction in excess of the page limits of Local Rule 7, not to exceed 50 pages. *See* ECF No. 9. Defendants hereby submit that the same good cause supports Defendants’ unopposed motion for leave to file in excess of that local rule.

Dated: October 30, 2016

Respectfully Submitted,

BENJAMIN C. MIZER
Principal Deputy Assistant Attorney General

BRIT FEATHERSTON
Acting United States Attorney

JUDRY SUBAR
Assistant Branch Director

/s/ Kevin Snell

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Counsel for Defendants

CERTIFICATE OF SERVICE

I hereby certify that on October 30, 2016, I electronically filed a copy of the foregoing Unopposed Motion for Leave to File Response in Opposition to Preliminary Injunction Motion that Exceeds Page Limits. Notice of this filing will be sent via email to all parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's CM/ECF System.

/s/ Kevin Snell

KEVIN SNELL

CERTIFICATE OF CONFERNECE

I hereby certify that I have complied with the meet and confer requirements in LOCAL RULE CV-7(h). I met and conferred with counsel for Plaintiffs via email regarding Defendants' Motion for Leave to File Response in Opposition to Preliminary Injunction Motion that Exceeds Page Limits. Plaintiffs' counsel indicated that Plaintiffs do not oppose this motion.

/s/ Kevin Snell

KEVIN SNELL